

REMARKS

Claims 3-17, 20-24, 26-28 and 30-33 are pending in the application. Claims 8-17, 26-28 and 33 are allowed. Claim 31 stands objected to. Claims 3-7, 20-24, 30 and 32 stand rejected. Claims 7, 24 and 32 were cancelled. Claims 3, 6, 20, 23, and 30-31 were amended. Claim 34 was added. Claims 3-6, 8-17, 20-23, 26-28, 30-31, and 33-34 remain in the application.

Information Disclosure Statement

The information disclosure statement filed 1 June 2004 was not considered. The information disclosure statement has been resubmitted including best available copies of the listed references.

Claim Objected to

Claim 31 was objected to as being dependent upon a rejected base claim, but allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 31 was so rewritten.

Claim Rejections - 35 USC § 103

Claims 3, 4, 7, 20, 21, 24, and 32 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,644,765 by Shimura et al. ("Shimura") in view of U.S. Patent 5,805,215 by Mizoguchi and U.S. Patent 6,400,853 by Shiiyama.

Claim 30 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Shimura in view of Mizoguchi.

Claims 5, 6, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimura in view of Mizoguchi, Shiiyama and U.S. Patent 6,445,818 by Kim et al. ("Kim").

Claims 7, 24 and 32 were cancelled.

Claim 30 was amended to state:

30. A method for detecting duplicate images comprising the steps of:

providing at least two images originally captured by a photographic camera at determinable times from original scenes;
computing an indication of image content for each image by dividing each image into blocks, computing an indication of image

content in each block, and comparing the computed indication of image content in each corresponding block for the two images to generate a similarity metric for each block;

determining the time of original capture of each of the images; and

evaluating the similarity metrics and the time of original capture to determine whether the images are duplicate images;

wherein the step of computing an indication of image content further comprises assigning two or more predetermined blocks to represent a foreground area of the images, and computing an indication of image content in each block and in the foreground areas of each image to generate a similarity metric for the foreground areas.

Claim 30 is supported by the application as filed, notably, at page 5, lines 1-14 and original claim 14.

Claim 30 requires that the blocks in foreground areas are predetermined. The rejection argues that Shimura's images have foreground areas based upon image content (blocks containing portions of the leaves) rather than specific blocks. Claim 30 also requires generating similarity metrics for the blocks and for the foreground areas and then evaluating all of the metrics. This differs from Shimura's "indications of image content (column 33, lines 33-35: number of black pixels in each block) computed from the image blocks corresponding to foreground areas)" (Office action, page 7)

Claims 3-6 were amended to depend from Claim 30 (Claim 6 was also amended to be in accord with the language of Claim 30) and are allowable on that basis and as earlier discussed.


Claim 24 was cancelled and replaced by added Claim 34, which tracks the language of amended Claim 30 and is allowable on the same basis.

Claims 20-23 were amended to depend from Claim 34 (Claim 23 was amended in the same manner as Claim 6) and are allowable on that basis and as earlier discussed.

It is believed that these changes now make the claims clear and definite and, if there are any problems with these changes, Applicants' attorney would appreciate a telephone call.

In view of the foregoing, it is believed none of the references, taken singly or in combination, disclose the claimed invention. Accordingly, this application is believed to be in condition for allowance, the notice of which is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert Luke Walker", written over a horizontal line.

Attorney for Applicant(s)
Registration No. 30,700

Robert Luke Walker/amb
Rochester, NY 14650
Telephone: (585) 588-2739
Facsimile: (585) 477-1148